

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, :
: .
: .
: .
- against - :
: .
: .
: .
DESMONN BECKETT :
: .
: .
Defendant. :
-----X

**DEFENDANT DESMONN BECKETT'S
SENTENCING MEMORANDUM**

Samuel Gregory, Esq
Law Office of Samuel Gregory
75 Prospect Park Southwest
Brooklyn, New York 11215
Tel: 718-222-2992/718-360-6243
Email: Sam@samgregory.com

Attorney for Desmonn Beckett

Law Office of
SAMUEL GREGORY
75 Prospect Park SW, Unit E6
Brooklyn, New York, 10007
Telephone: 718-222-2992
Facsimile: 718-222-2889
www.samgregory.com

Admitted in NY and NJ

VIA ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Desmonn Beckett
Docket 20 Cr 213

Dear Judge Matsumoto,

Desmonn Beckett was remanded and sent to the MDC on June 23, 2020. When Desmonn traveled from the courthouse to the MDC he did not know what to expect. Desmonn had heard numerous young men talk about their experiences in jail, mostly about Riker's Island. He had imagined what it would be like to go to jail but he had never been in jail before. Within just a few short days Desmonn Beckett was experiencing a nightmare. He was in a place that was dangerous and dirty. People were getting sick with COVID-19 almost every day. Desmonn was locked in a cell for days on end. Before the end of July of 2020, Desmonn Beckett had seen and experienced enough suffering to last him a lifetime.

By August of 2020, just five weeks into his stay at the MDC, Desmonn Beckett so desperately wanted his old life back that he would call the team at the post office where he had previously worked. He would call Paola Chase, the mother of his young daughter, just to hear his daughter's melodious voice. Desmonn would call his mother and express to her how he now realized how good he really had it before his arrest.

Desmonn Beckett, for period of time before his arrest in this matter, was caught between two worlds. Desmonn was living a serious and functional life as an acting supervisor with the Postal Service and a devoted father. His second life was as a cousin to two young men who are living very different lives than Desmonn Beckett. Tyshawn Corbett and Quandel Smothers are both cousins of Mr. Beckett through his mother's family. Desmonn grew up visiting his cousins' homes and attending family gatherings with Mr. Corbett and Mr. Smothers, along with the rest of the family. Desmonn loved having cousins to play and rough house with because he lived alone

with just his mom. (See PSR ¶# 36) While their lives took distinctly different paths they were and always will be, family. Unfortunately, Mr. Beckett, in straddling these two worlds, put loyalty to family over a good old fashioned common sense. His loyalty to his cousins caused him to become involved in conduct that has permanently altered the direction of his life. Mr. Beckett now realizes that a regular routine of hard work and family life is best for him. With all of his heart Mr. Beckett is committed to living a life that never ever brings him back to this terrible place, jail.

CASE BACKGROUND

Mr. Beckett has been detained at the MDC since his arrest on June 23, 2020. On April 7, 2021, Mr. Beckett pleaded guilty before Your Honor to count 16 of a 20-count indictment. This plea was pursuant to a plea agreement and count one charges that on June 28, 2018, Mr. Beckett knowing that one or more offenses against the United States had been committed, specifically the crimes charged in counts 13 and 14 (attempted murder in aid of racketeering of John Doe#1(18 U.S.C. 1959 (a)(3) assisted the offender in order to hinder and prevent the offender's apprehension, trial and punishment in violation of 18 U.S.C. § 3. Under the terms of Mr. Beckett's plea agreement with the government his sentencing guidelines range is 70 to 87 months. Probation agrees with this calculation. (See PSR ¶ 142)

MR BECKETT HAS ACCEPTED RESPONSIBILITY FOR HIS ACTIONS

Desmonn Beckett on April 7, 2021, accepted responsibility for his participation in this crime. During his allocution Mr. Beckett admitted that he took part in this crime and outlined exactly what he did. In addition, during his terrible time at the MDC he has had much time to reflect on his conduct. Mr. Beckett has consistently stated how sorry he is that he participated in this crime. Mr. Beckett has said directly to me that he wishes he could get that fateful day back.

MR BECKETT HISTORY AND CHARACTER

The letters of support for Mr. Beckett from friends, family, and co-workers show a man who has been a serious worker, a loyal son and a devoted father. (See letters of support exhibit A). Ms. Paola Chase is the mother of Desmonn's daughter Jaylani Dior Beckett. Although Ms. Chase and Mr. Beckett are no longer together as a couple, Mr. Beckett has conducted himself with great devotion and integrity. Before his arrest Desmonn Beckett never went one single day without seeing his daughter. He consistently contributed financially to his daughter's well-being. Since his arrest Mr. Beckett calls his daughter as often as he can to make sure she knows he is still in her life. (See exhibit A letter from Ms. Chase).

Several career postal employees have come forward to attest to Mr. Beckett's fine work ethic and to his good character. For example, Khalil Wilson a manager in Customer Services Operations who has worked closely with Mr. Beckett had this to say "On the job he is pleasant,

respectful and loyal. He takes on all assignments with enthusiasm and dedication. His organizational skills make him the consummate multitasker". (See exhibit A Wilson letter) Ms. Clara Hyde was Desmonn Beckett's co-acting supervisor at the post office. Ms. Hyde worked very closely with Desmonn and she considers him to be "extremely dependable ... and a person of integrity". Desmonn helped Ms. Hyde improve her supervisory skills. (See exhibit A letter from Ms. Hyde) Mr. Vincent Downing the pastor of Faith Center International Ministries, Desmonn's family's church, captured the theme in all the character letters sent to the Court. "I have known him to be a hardworking individual, with a calm temperament and a heart to give. I believe that Desmonn had a lapse in judgement in this incident and made a very bad decision. Although the decision he made was wrong, I believe if given a second chance, Desmonn will be an upstanding citizen in his community".

The other letters demonstrate that Desmonn Beckett has had a solid character and an exemplary background. Mr. Beckett has not been formally terminated from his position at the Postal Service. He is doing all he can to try to continue in the career he's so loves.

DESMONN BECKETT HAS DEMONSTRATED HIS MATURITY BY TAKING EVERY OPPORTUNITY TO PREPARE FOR THE FUTURE AND TO EXPAND HIS HORIZONS WHILE AT THE MDC

During his time at the MDC Desmonn Beckett signed up for and completed every class he could. (See exhibit B) Desmonn took a parenting class so he could be an even better father to his daughter Jaylani. Knowing that he may not still have his position with the U.S. Postal Service, Desmonn completed a class in Resume Writing, Reputation Management, & Social Media: Modified Operations. This indicates Mr. Beckett is planning and working towards living a productive live in the future. His completion of a class titled Effective Communication shows Desmonn is preparing for employment interviews and is ready to hit the ground running when he is released. When an opportunity to get some "culture" arose during a difficult time at the MDC, Desmonn took a class to study a great play called Laughing Wild by Christopher Ferdinand. This shows that Desmonn has a curious mind and is ready to expand his horizons when he is released.

Desmonn also worked as an orderly and did an excellent job. (See exhibit B) A review of his evaluation demonstrates that Desmonn is a serious worker with a wonderful attitude. His supervisor could not have been more effusive in his praise of Mr. Beckett. The supervisor in the evaluation dated June 30, 2021, stated "he makes a real effort to please the instructor. Gets along with everyone. Very popular. Completely dependable in all things". As the Court can see this evaluation and Desmonn's performance at the MDC is part of a pattern of decency and productivity.

There is no question but that Desmonn Beckett's actively engaging in education and employment while at the MDC demonstrates much about his character. But there is more. During the fourteen (14) months Desmonn has been at the MDC, he has not had one fight. He has not argued with or disobeyed on correctional staff member. Desmonn Beckett has a perfect

disciplinary record. At his core that is who Desmonn Beckett really is; a decent, productive and gentle person.

APPLICATION OF THE SECTION 3553(a) SENTENCING FACTORS

We respectfully urge the Court to impose a non-guideline sentence in this case. While Mr. Beckett offense was serious, a downward variance is appropriate in light of the factors discussed below. Accordingly, we submit that a sentence of eighteen (18) months is appropriate in this case. As the Court knows the guideline range is only the “starting point and the initial benchmark” for sentencing. Gall V. United States, 552 U.S. 38, 49 (2007). Congress did “not intend that the guidelines be imposed in a mechanical fashion.” United States V. Lara, 905 F2d 599, 604 (2d Cir. 1990) (quoting S. Rep No. 225, 98th Cong, 2d Sess, 52, reprinted in 1984 U.S. Code Cong. & Admin, News 3182, 3235 (Legislative History)). Rather, it was Congress’ view that “the sentencing judge has an obligation to consider all the relevant factors in a case and to impose a sentence outside the guidelines in an appropriate case.” id.

After the Court calculates the applicable guidelines range, it must consider the factors set forth in 18 U.S.C. § 3553(a), which include, *inter alia*, the nature and circumstances of the offense and the history and characteristics of the defendant. See 18 U.S.C. § 3553(a). Section 3553(a) further provides that, in determining the appropriate sentence, the sentencing judge should “impose a sentence sufficient but not greater than necessary, to comply with the purposes” of sentencing, which are:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner 18 U.S.C. § 3553(a)(2).

Here a sentence of eighteen (18) months and one year of home confinement while on supervised release is sufficient but not greater than necessary, to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a).

It should be noted that Desmond has a safe and secure place to reside with his mother upon his release. As he has done at the MDC, Desmonn is committed to following all the rules of his supervision in the future.

CONCLUSION

For the foregoing reasons, a sentence of eighteen (18) months in prison followed by one year of home confinement while on supervised release is sufficient but not greater than necessary, to comply with the purposes of sentencing set forth in 3553(a).

Respectfully submitted,

By: //Samuel Gregory//
Law Office of Samuel Gregory
75 Prospect Park Southwest unit E6
Brooklyn, New York 11215
Tel: 718-222-2992/718-360-6243
Email: Sam@samgregory.com

Attorney for Desmonn Beckett

Cc: Clerk of Court (KAM)(By ECF)
Jonathan Siegal Assistant U.S. Attorney (By ECF)
Senior U.S.P.O Jennifer Fisher (By ECF)